

# UNIT 5 IDENTIFYING POSSIBLE SOURCES

*September 2002*

*(FAC 2001-09)*

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<b>Overall Duty</b>	Identify possible sources for the acquisition through effective market analysis and knowledge of suppliers.
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<b>Conditions</b>	Given forecast requirements, written or unwritten acquisition plan, market research, Procurement Request, and other related documents.
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<b>Overall Standard</b>	Correctly identify possible sources for the acquisition.
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## **Part A: Required Sources and Existing Agreements/Contracts**

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<b>Sub-Duty</b>	Screen required sources and existing agreements/contracts.
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<b>Sub-Duty Standard</b>	Correctly identify the required source or existing agreement/contract (if any) for the acquisition.
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## **Part B: Interagency Acquisitions Under The Economy Act**

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<b>Sub-Duty</b>	Determine the availability and procedures for ordering from other Federal departments and agencies.
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<b>Sub-Duty Standard</b>	Comply with the Economy Act or other policies authorizing interagency acquisitions.
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## Part C: Source Lists

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<b>Sub-Duty</b>	Develop source lists considering the results of market analysis and knowledge of suppliers.
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<b>Sub-Duty Standard</b>	Identify a sufficient numbers of offerors to obtain effective price and/or technical competition and capability to meet the Government's needs.
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## Part D: Qualified Bidders, Manufacturers, and Products Lists

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<b>Sub-Duty</b>	Apply procedures for using a qualified bidders list (QBL), qualified manufacturers list (QML), or qualified products list (QPL).
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<b>Sub-Duty Standard</b>	Correctly apply procedures for verifying that a QBL, QML, or QPL applies to the requirement and assuring that the successful offeror meets the related qualification requirements.
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## Part E: Special Standards of Responsibility

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<b>Sub-Duty</b>	Establish any necessary special standards of responsibility considering knowledge of the requirement and the results of market analysis.
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<b>Sub-Duty Standard</b>	Correctly establish special standards of responsibility, over and above those specified in the general standards of responsibility that are necessary for satisfactory performance.
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## Policies

<i>FAR</i>	<i>Agency Suppl.</i>	<i>Subject</i>
8.001		Priorities for use of Government supply sources.
8.002		Use of other Government supply sources.
8.003		Contract clause for contractor use of mandatory sources of supply.
8.1		Excess personal property.
8.4		Federal supply schedules.
8.5		Acquisition of helium.
8.6		Acquisition from Federal Prison Industries (FPI), Inc.
8.700 – 8.704		Determining whether to order from JWOD participating nonprofit agencies.
8.706		Purchase Exceptions (from use of JWOD participating nonprofit agencies).
8.713		Optional acquisition of supplies and services from JWOD participating nonprofit agencies.
8.715		Replacement commodities.
8.8		Acquisition of printing and related supplies.
9.104-2		Special standards of responsibility.
9.2		Qualifications requirements.
13.003(a)		Policy on ordering from required sources under SAT.
13.102		Source list.
14.204		Records of invitations for bids and records of bids.
14.205		Solicitation mailing lists.
17.5		Interagency acquisitions under the Economy Act.
19.202-2		Locating small business sources.
38.101		Federal supply schedule program.
52.209-1		Qualification requirements.
52.214-9		Failure to submit bid.

## Other KSA's

1. Knowledge of required source catalogs and how to obtain them.
2. Knowledge of the order of priority for acquiring supplies and services from required sources.
3. Knowledge of sources of information on suppliers.
4. Knowledge of techniques for identifying suppliers, the pros and cons of each technique, and when each is most appropriate.

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5. Skill at market analysis; knowledge of market segments and product differentiation, product life cycles and market evolution, market channels/middlemen, and industrial markets.
6. Ability to coordinate and communicate with requiring activities regarding source requirements.
7. Ability to use electronic tools to identify sources.
8. Ability to plan and evaluate sources.
9. Ability to maintain the honesty and integrity of the acquisition process.

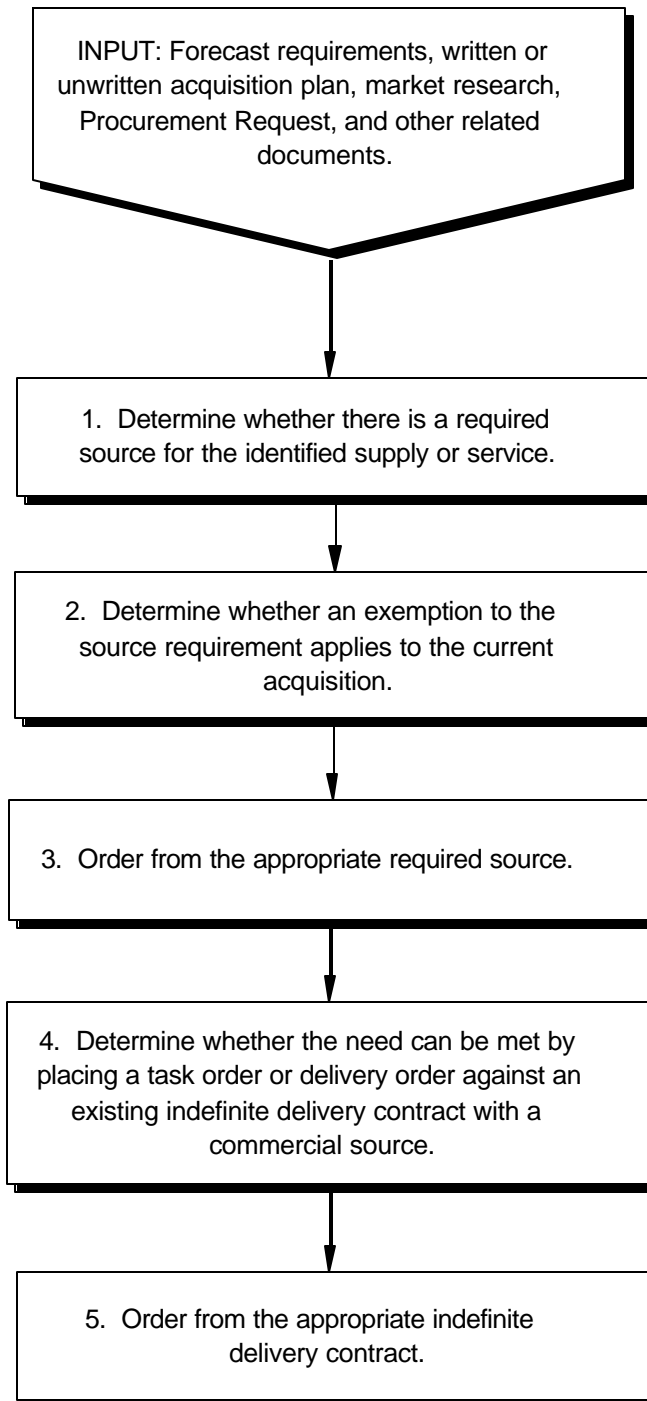
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**Other Policies and References (Annotate as Necessary):**

# UNIT 5 IDENTIFYING POSSIBLE SOURCES

## Part A: Required Sources and Existing Agreements/Contracts

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# UNIT 5 IDENTIFYING POSSIBLE SOURCES

## Part A: Required Sources and Existing Agreements/Contracts

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Tasks	Related Standards
1. Determine whether there is a required source for the identified supply or service.	<p>Before considering other sources, determine whether the supply requirement is available from one of the source hierarchies below.</p> <ul style="list-style-type: none"><li>• For supplies: (FAR 8.001 and 8.502)<ul style="list-style-type: none"><li>- Agency inventories;</li><li>- Excess personal property from other agencies;</li><li>- Federal Prison Industries, Inc. (FPI);</li><li>- Products available from the Committee for Purchase from People Who are Blind or Severely Disabled;</li><li>- Wholesale supply sources, such as:<ul style="list-style-type: none"><li>? General Services Administration (GSA),</li><li>? Defense Logistics Agency (DLA),</li><li>? Department of Veterans Affairs (VA), or</li><li>? Military inventory control points;</li></ul></li><li>- Federal supply schedules; or</li><li>- Department of Interior, Bureau of Land Management for helium.</li></ul></li><li>• For services: (FAR 8.001 and 8.802)<ul style="list-style-type: none"><li>- Government Printing Office for printing services and related supplies;</li><li>- Services available from the Committee for Purchase from People Who are Blind or Severely Disabled;</li><li>- Federal Supply Schedules; or</li><li>- FPI.</li></ul></li></ul>

# UNIT 5 IDENTIFYING POSSIBLE SOURCES

## Part A: Required Sources and Existing Agreements/Contracts

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Tasks	Related Standards
2. Determine whether an exemption to the source requirement applies to the current acquisition.	<p>Correctly identify any condition for excluding use of a required source, such as:</p> <ul style="list-style-type: none"><li>• FPI clearance is required before ordering supplies on the FPI schedule from another source except in the following situations:<ul style="list-style-type: none"><li>- Public exigency requires immediate delivery or performance;</li><li>- Used or excess supplies are available;</li><li>- Purchases made from GSA of less-than-carload lots of common-use items stocked by GSA;</li><li>- Products acquired and used outside the U.S.; or</li><li>- Orders for items totaling \$25 or less that require delivery within 10 days</li></ul></li><li>• Committee for Purchase from People Who Are Blind or Severely Handicapped may authorize acquisition from other sources when Participating agencies cannot:<ul style="list-style-type: none"><li>- Meet delivery requirements and commercial sources can provide significantly faster delivery; or</li><li>- Economically produce or provide the required quantity.</li></ul></li><li>• For mandatory FSS, a waiver must be approved by the Federal Supply Service unless provided for in an interagency agreement.</li><li>• For GPO printing, exemptions include:<ul style="list-style-type: none"><li>- Printing not available from GPO;</li><li>- Printing in agency printing plants;</li><li>- Agency printing under a contract field printing allotment; and</li><li>- Specific statutory authorization.</li></ul></li></ul>
3. Order from the appropriate required source.	Select the highest priority required source that can meet the need. Correctly follow procedures for ordering from that source.

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## Part A: Required Sources and Existing Agreements/Contracts

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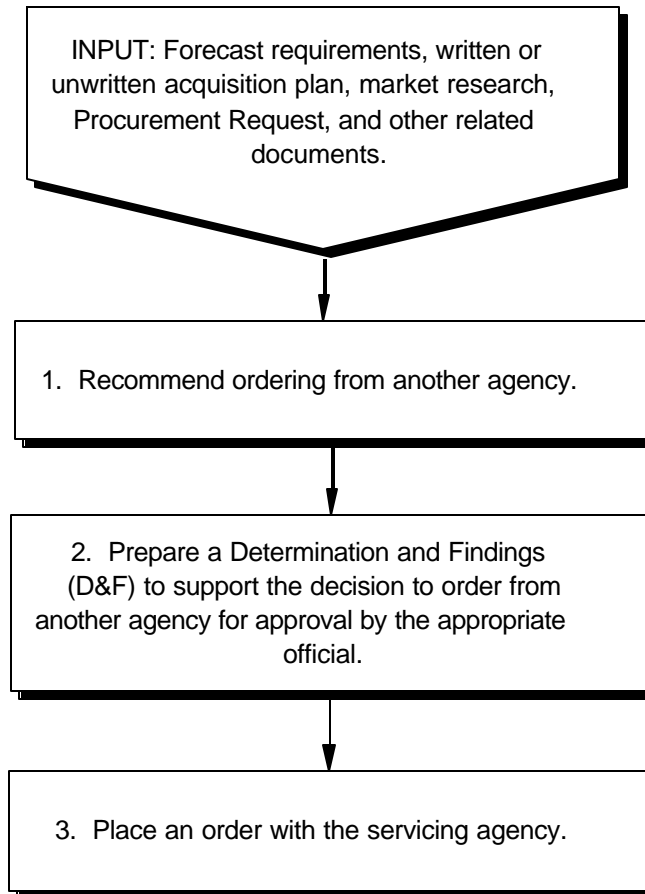
Tasks	Related Standards
4. Determine whether the need can be met by placing a task order or delivery order against an existing indefinite delivery contract with a commercial source.	Consider available indefinite delivery contracts including Government-wide acquisition contracts (GWAD) and other available definite quantity, indefinite quantity, and requirements contracts.
5. Order from the appropriate indefinite delivery contract.	Correctly follow procedures for ordering under the identified contract.



# UNIT 5 IDENTIFYING POSSIBLE SOURCES

## Part B: Interagency Acquisitions Under The Economy Act

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# UNIT 5 IDENTIFYING POSSIBLE SOURCES

## Part B: Interagency Acquisitions Under The Economy Act

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Tasks	Related Standards
1. Recommend ordering from another agency.	<p>Suggest ordering from another agency when:</p> <ul style="list-style-type: none"><li>• The other agency is the sole source of the goods or services, or</li><li>• You cannot obtain the supplies or services as conveniently or economically by contracting directly with a private source.</li></ul> <p>Do not use the Economy Act to circumvent funding conditions and limitations.</p>
2. Prepare a Determination and Findings (D&F) to support the decision to order from another agency for approval by the appropriate official.	<p>Each D&amp;F must state that: (FAR 17.502)</p> <ul style="list-style-type: none"><li>• Interagency acquisition is in the best interest of the Government; and</li><li>• The requirement cannot be obtained as conveniently or economically by contracting directly with a private source.</li></ul> <p>If the order requires contracting action by the servicing agency, the D&amp;F must also state that at least one of the following is applicable:</p> <ul style="list-style-type: none"><li>• The acquisition will be made under an existing contract of the servicing agency contract, entered into before placement of the order, to meet the requirements of the servicing agency;</li><li>• The servicing agency has capabilities or expertise to enter into a contract for such supplies or services which is not available within the requesting agency; or</li><li>• The servicing agency is specifically authorized by law or regulation to purchase such supplies or services on behalf of other agencies.</li></ul> <p>The D&amp;F must be approved by a requesting agency Contracting Officer with authority to contract for the requirement or by another official designated by the agency head. If the servicing agency is not covered by the FAR, D&amp;F approval may not be delegated below the requesting agency senior procurement executive.</p>

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## Part B: Interagency Acquisitions Under The Economy Act

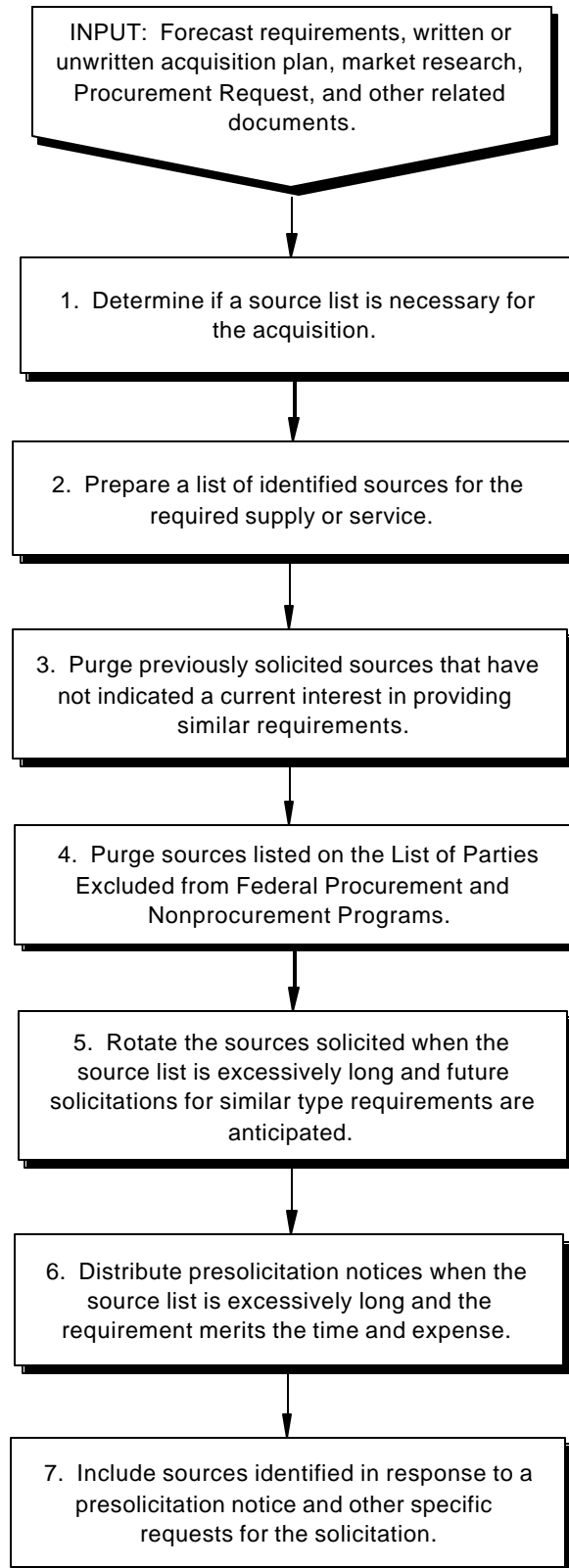
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Tasks	Related Standards
3. Place an order with the servicing agency.	<p>The order may be placed on any form or document that is acceptable to both agencies. The order should include:</p> <ul style="list-style-type: none"><li>• A description of the supplies or services required;</li><li>• Delivery requirements;</li><li>• A funds citation;</li><li>• A payment provision; and</li><li>• Acquisition authority as may be appropriate.</li></ul>

# UNIT 5 IDENTIFYING POSSIBLE SOURCES

## Part C: Source Lists

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## Part C: Source Lists

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Tasks	Related Standards
1. Determine if a source list is necessary for the acquisition	A solicitation mailing list is not necessary if electronic commerce software automatically transmits solicitations to all interested sources participating in electronic contracting with the contracting activity.
2. Prepare a list of identified sources for the required supply or service.	<p>Include eligible and qualified concerns identified from market research including sources such as the following:</p> <ul style="list-style-type: none"><li>• SBA's Procurement Marketing and Access Network (PRO-Net);</li><li>• Solicitation Mailing List Applications;</li><li>• Sources identified by the Procurement Request;</li><li>• Existing mailing lists;</li><li>• Prior acquisitions of similar requirements;</li><li>• Directories and similar publications;</li><li>• SBA source list;</li><li>• Subcontractors identified by prior prime contractors;</li><li>• Qualified Product List (QPL), Qualified Bidder's List (QBL), or Qualified Manufacturer's List (QML);</li><li>• Trade association membership lists;</li><li>• Federal Supply Schedules;</li><li>• Commerce Business Daily synopsis responses;</li><li>• Advertisements;</li><li>• Source lists by Standard Industrial Code from Dun &amp; Bradstreet.</li></ul>
3. Purge previously solicited sources that have not indicated a current interest in providing similar requirements.	<p>Remove sources that have not responded to the last two solicitations by either submitting an offer or submitting proper notice of interest in being retained on the mailing list.</p> <p>If removing such sources would leave a limited mailing list, request information on why firms did not respond.</p> <p>Reinstate firms that properly request the solicitation, or file a new Solicitation Mailing List Application.</p>

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## Part C: Source Lists

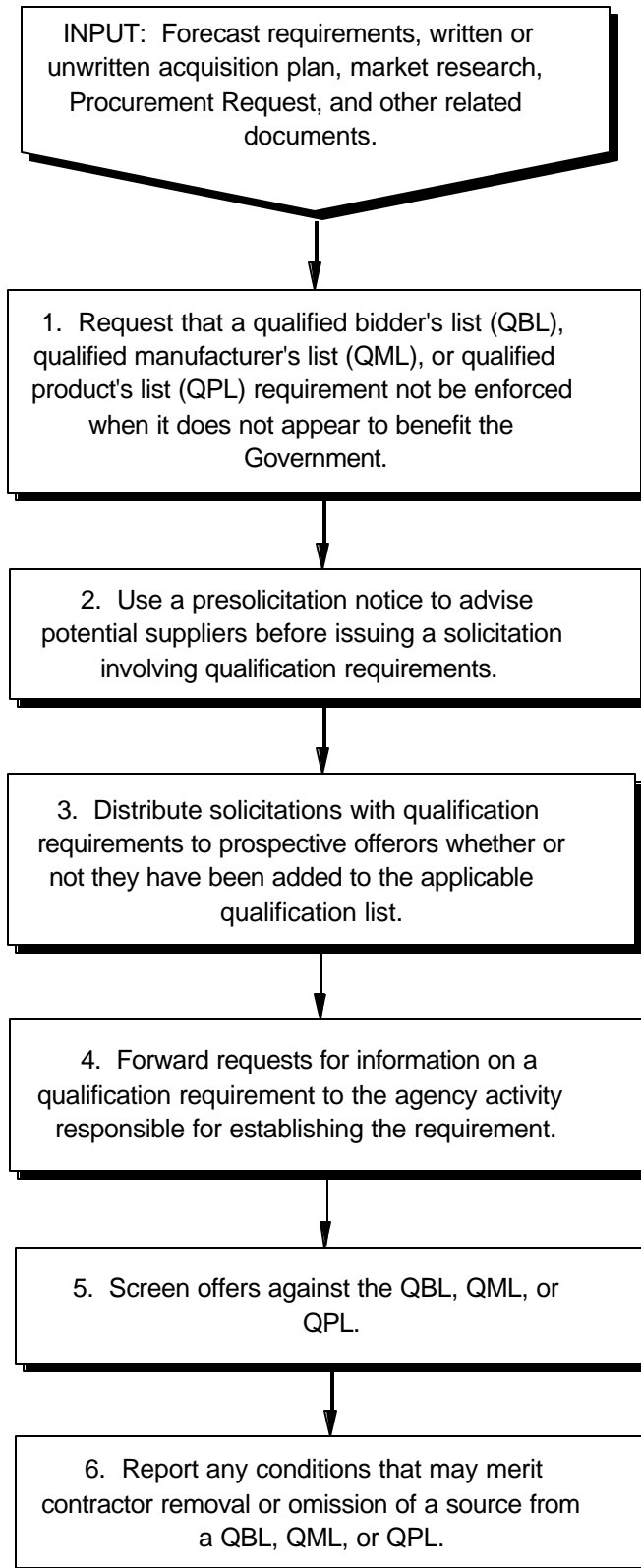
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Tasks	Related Standards
4. Purge sources listed on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.	Remove sources on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs. Do not solicit a source on the List unless the agency head or designee determines that there is compelling reason to do so.
5. Rotate the sources solicited when the source list is excessively long and future solicitations for similar type requirements are anticipated.	Rotation is most appropriate when requirements for similar type items and quantities are acquired on a recurring basis.  When rotating sources, solicit: <ul style="list-style-type: none"> <li>• The previously successful offeror;</li> <li>• Prospective suppliers added to the mailing list since the last solicitation; and</li> <li>• The segment of the source list selected for use in the acquisition.</li> </ul>
6. Distribute presolicitation notices when the source list is excessively long and the requirement merits the time and expense involved.	The presolicitation is particularly appropriate for large complex requirements for unique supplies or services. The notice must: <ul style="list-style-type: none"> <li>• Specify the final date for receipt of requests for a complete solicitation set;</li> <li>• Briefly describe the requirement and furnish other information essential for prospective offerors to determine interest; and</li> <li>• Notify concerns that, if no bid is to be submitted, the contracting office should be advised of the concern's interest in future requirements.</li> </ul> <p>Normally drawings, plans, and specifications should not be included with the notice.</p>
7. Include sources identified in response to a presolicitation notice and other specific requests for the solicitation.	Do not exclude any source that has submitted a specific and timely request for the solicitation.

# UNIT 5 IDENTIFYING POSSIBLE SOURCES

## Part D: Qualified Bidders, Manufacturers, and Products Lists

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# UNIT 5 IDENTIFYING POSSIBLE SOURCES

## Part D: Qualified Bidders, Manufacturers, and Products Lists

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Tasks	Related Standards
1. Request that a qualified bidder's list (QBL), qualified manufacturer's list (QML), or qualified product's list (QPL) requirement not be enforced when it does not appear to benefit the Government.	<p>Follow agency procedures to request that a requirement not be enforced if it appears to unreasonably restrict competition, increase prices, prevent timely delivery, or otherwise negatively affects the acquisition process.</p> <p>For example, question a list when market research reveals that required materials or processes are obsolete.</p> <p>Except when an agency head or designee determines that an emergency exists, an agency's decision not to enforce a qualification requirement means that the requirement may not thereafter be enforced unless the agency head again justifies the requirement. (FAR 9.206-1(b))</p>
2. Use a presolicitation notice to advise potential suppliers before issuing a solicitation involving qualification requirements.	<p>Issue a presolicitation notice when time permits and market research suggests that a number of suppliers might use the early warning to become qualified.</p> <p>The notice must identify the specification containing the qualification requirement and establish an allowable time period, consistent with delivery requirements, for prospective offerors to demonstrate their abilities to meet the standards specified for qualification.</p>
3. Distribute solicitations with qualification requirements to prospective offerors whether or not they have been added to the applicable qualification list.	<p>Assure that the solicitation includes any qualification requirements for the required end item or component.</p> <p>Allow the maximum time, consistent with delivery requirements, between issuing the solicitation and the contract award.</p>
4. Forward requests for information on a qualification requirement to the agency activity responsible for establishing the requirement.	<p>When a prospective supplier requests information forward the request whether or not the firm requests a copy of the solicitation.</p>



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## Part D: Qualified Bidders, Manufacturers, and Products Lists

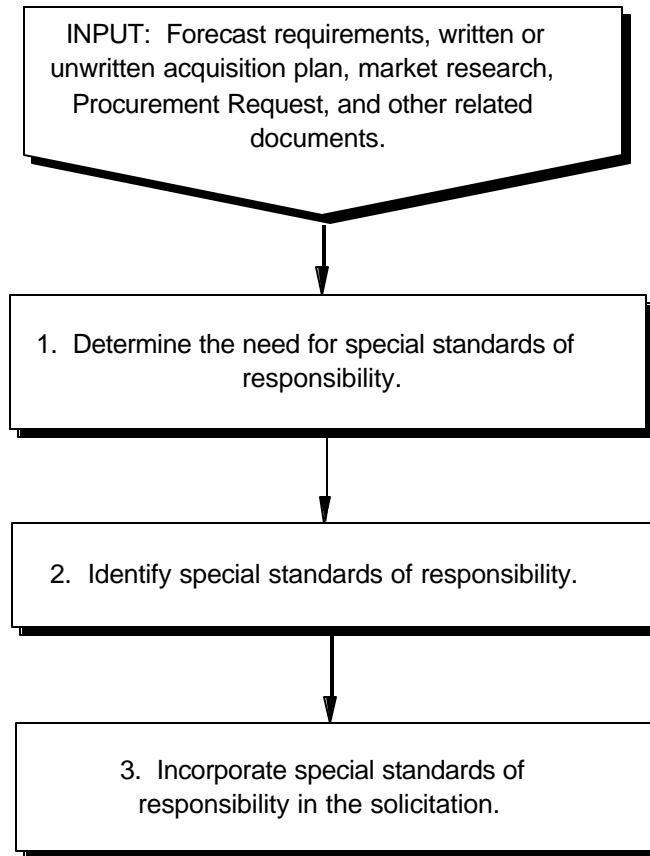
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Tasks	Related Standards
5. Screen offers against the QBL, QML, or QPL.	<p>Only consider timely offers from offerors that demonstrate meeting the established qualification requirement or the ability to meet it before the award date.</p> <p>Allow the maximum time, consistent with delivery requirements, between issuing the solicitation and the contract award.</p>
6. Report any conditions that may merit contractor removal or omission of a source from a QBL, QML, or QPL.	<p>Report any condition specified in FAR 9.207 to the agency activity that established the qualification requirement. These conditions exist when:</p> <ul style="list-style-type: none"><li>• Products or services submitted for inspection or acceptance do not meet the qualification requirement;</li><li>• Products or services were previously rejected and the defects were not corrected when submitted for inspection or acceptance;</li><li>• A supplier fails to request reevaluation following change of location or ownership of the plant where the qualified product was manufactured;</li><li>• A manufacturer of a product which met the qualification requirement has discontinued its manufacture;</li><li>• A source requests removal from a QPL, QML, or QBL;</li><li>• A condition of meeting the qualification requirement was violated;</li><li>• A revised specification imposes a new qualification requirement;</li><li>• Manufacturing or design changes have been incorporated into the qualification requirement;</li><li>• The source is on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs; or</li><li>• Performance of a contract subject to a qualification requirement is otherwise unsatisfactory.</li></ul>

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## Part E: Special Standards of Responsibility

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## Part E: Special Standards of Responsibility

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Tasks	Related Standards
1. Determine the need for special standards of responsibility.	Special standards may be particularly desirable when experience has demonstrated that unusual expertise or specialized facilities are needed for adequate contract performance.
2. Identify special standards of responsibility. <sup>1</sup>	<p>Identify special qualifications or other contractor attributes, over and above those specified in the general standards of responsibility (FAR 9.104-1) that are necessary for satisfactory performance.</p> <p>The rationale for each standard should be complete and sufficient to support its necessity, reliability, and validity.</p> <p>Assure that each special standard:</p> <ul style="list-style-type: none"><li>• Provides a clear line of demarcation between responsible and nonresponsible firms;</li><li>• Is consistent with contract technical requirements; and</li><li>• Avoids any appearance of being arbitrary and capricious.</li></ul>
3. Incorporate special standards of responsibility in the solicitation.	<p>Ensure that proposal submission instructions will solicit all information from offerors necessary to apply the special standards of responsibility.</p> <p>Remember that a special standard establishes a minimum requirement that an offeror must meet to be considered responsible. Evaluation criteria must not assign more merit to an offeror that far exceeds the standard than to one that simply meets the standard.</p>

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<sup>1</sup> For guidelines on differentiating special standards of responsibility from evaluation factors, see 52 Comp. Gen. 47 and also the following unpublished decisions of the Comptroller General: B-224392.2, Matter of B & W Service Industries, Inc; B-231607, Matter of Sanford and Sons Company; B-236255, Matter of Eagle Technology, Inc.; B-237364, Matter of York Systems Corporation; B-237325, Matter of Environmental Technologies Group, Inc.; and B-237865.2, Matter of: Commercial Building Service, Inc.